

IN RE: PETITION FOR SPECIAL VARIANCE  
N/S Eugene Avenue, 129' W of  
Sparrows Point Boulevard  
(2426 Eugene Avenue)  
15th Election District  
7th Councilmanic District

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 89-198-A

Robert Holsey, Sr., et ux  
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit two building lots with a width of 50 feet each in lieu of the required 55 feet, as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Messrs. Robert Holsey, Sr. and Jr., appeared and testified. There were no Protestants.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner.

er; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or non-conforming, on another property. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

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These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 21st day of December, 1988 that the Petition for Zoning Variance to permit two building lots with a width of 50 feet each in lieu of the required 55 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions, which are conditions precedent to the relief granted:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition;
- 2) The proposed new dwelling shall be a single family residence. Petitioners shall not allow or cause the proposed new dwelling or the existing dwelling to be converted to a two family dwelling unit and/or apartments;
- 3) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order; and,

-3-

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated October 25, 1988, attached hereto and made a part hereof.

J. Robert Haines  
J. ROBERT HAINES  
Zoning Commissioner for  
Baltimore County

JRH:bjs

ORDER RECEIVED FOR FILING  
Date 12/21/88  
By [Signature]

-4-

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines  
Zoning Commissioner

FROM: Mr. Robert W. Sheesley

SUBJECT: Holsey Property - Item #113  
2428 Eugene Avenue  
Petition for Zoning Variance

DATE: October 25, 1988

RECEIVED  
OCT 27 1988

ZONING OFFICE

Subject property is located at 2428 Eugene Avenue. The site is within the Chesapeake Bay Critical Area and is classified as Limited Development Area.

The applicant has filed a petition to allow two building lots each with a width of 50 feet in lieu of the required 55 feet.

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts."

<COMAR 14.15.10.01 O>.

The proposed development will comply with Critical Area law provide that the zoning petition is conditioned with the following requirements:

1. The sum of all man-made impervious surfaces shall not exceed 15% of the lot. <COMAR 14.15.02.04 C.(7)>
2. Two major deciduous trees or four conifer trees shall be planted and maintained on the lot. A combination of these two tree types is acceptable provided that 2,000 square feet of

Memo to Mr. J. Robert Haines  
October 25, 1988  
Page 2

tree cover is provided. A major deciduous tree is estimated to cover 1,000 square feet and a conifer, 500 square feet at maturity.

3. Storm water runoff shall be directed from impervious surfaces associated with this petition to pervious areas to encourage maximum infiltration.
4. Rooftop runoff shall be directed through down-spouts and into a dry well of approved design to encourage maximum infiltration (see attached dry well design).

Upon compliance with the above requirements, this project will be approved. Please contact Mr. David C. Flowers at 494-3980 if you require additional information.

Robert W. Sheesley  
Robert W. Sheesley, Director  
Department of Environmental Protection  
and Resource Management

RWS:DCF:tjg

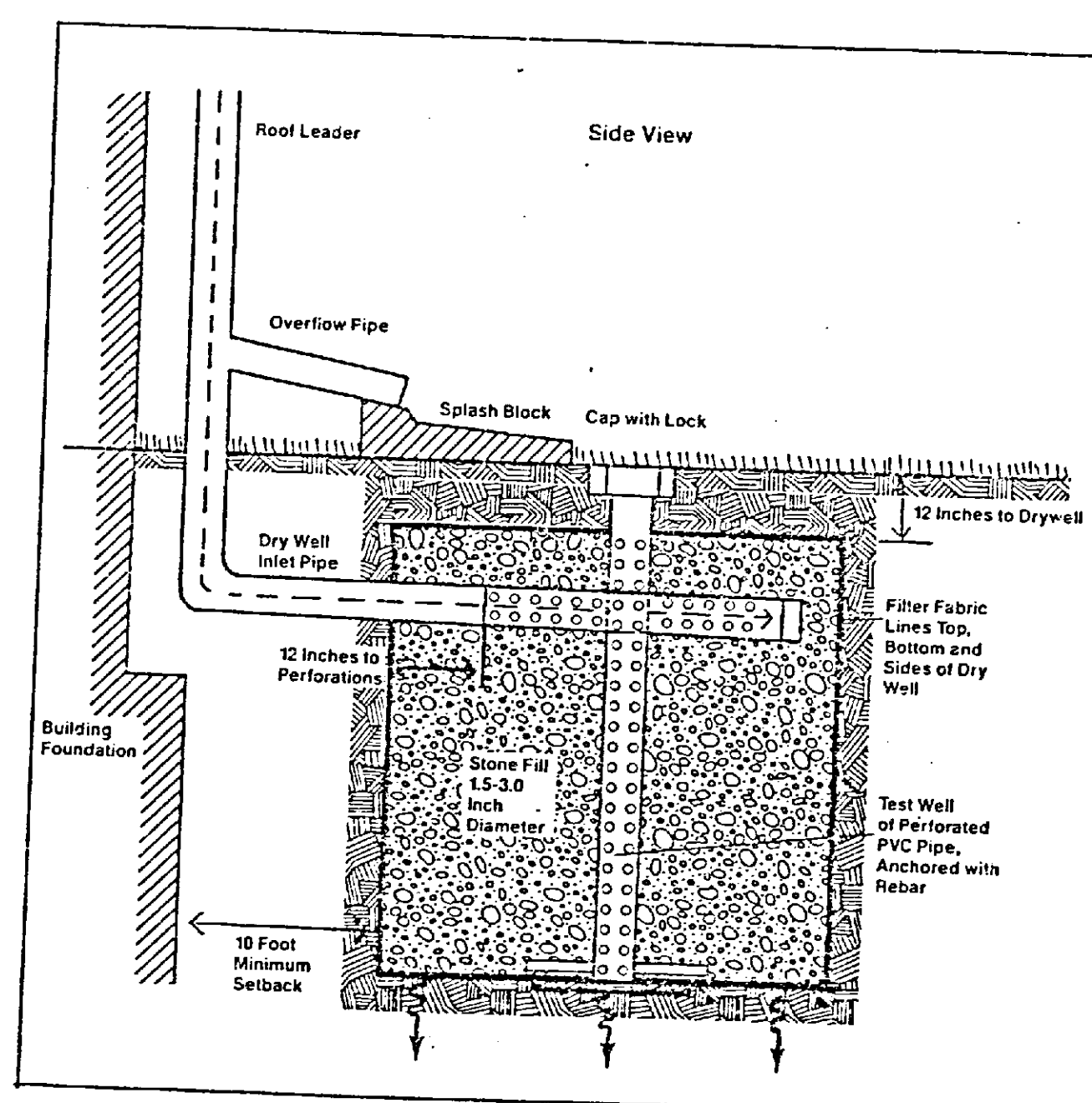
Attachment

cc: The Honorable Ronald B. Hickernell

Include in Zoning  
DESIGN 4:

Dry Well Designs. (Figure 5.8). Dry wells are a basic trench variation which are designed exclusively to accept rooftop runoff from residential or commercial buildings (Figure 5.8). Additional guidance on dry well design is available from Md WRA (1984). Basically, the leader from the roof is extended into an underground trench, which is situated a minimum of ten feet away from the building foundation. Rooftop gutter screens are needed to trap any particles, leaves and other debris, and must be regularly cleared.

Figure 5.8: Dry Well Design (adapted from Md WRA, 1985)



Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
887-3353

J. Robert Haines  
Zoning Commissioner

December 21, 1988

Mr. & Mrs. Robert Holsey, Sr.  
2428 Eugene Avenue  
Baltimore, Maryland 21219

RE: PETITION FOR ZONING VARIANCE  
N/S Eugene Avenue, 129' W of Sparrows Point Boulevard  
(2428 Eugene Avenue)  
15th Election District - 7th Councilmanic District  
Robert Holsey, Sr. - Petitioners  
Case No. 89-198-A

Dear Mr. & Mrs. Holsey:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

J. Robert Haines  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH:bjs

cc: Mr. & Mrs. Robert Holsey, Jr.  
8603 North Point Road, Baltimore, Md. 21219

People's Council

File



**PETITION FOR ZONING VARIANCE**  
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-198-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.C.1 To allow two building lots each 50' wide with a width of 50 ft. in lieu of the required 55 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)  
WIFE IS HANDICAP  
SON & WIFE TO BUY GROUND TO REPAIR  
SOIT WILL HELP WITH THE TAXES  
AND LESS EXPENSE  
THE MONEY FOR GROUND WILL HELP US WITH OUR EXPENSE

Property is to be posted and advertised as prescribed by Zoning Regulations.  
I or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: ROBERT MARIE HOLSEY, JR. (Type or Print Name)  
Signature: Robert Holsey  
Address: 2428 EUGENE AVE, BALTIMORE MD. 21219, City and State

Legal Owner(s): ROBERT HOLSEY (Type or Print Name)  
Signature: Robert Holsey  
Address: 2428 EUGENE AVE, BALTIMORE MD. 21219, City and State

Attorney for Petitioner: ROBERT HOLSEY, ROSEMARIE HOLSEY (Type or Print Name)  
Signature: Robert Holsey  
Address: 2428 EUGENE AVE, BALTIMORE MD. 21219, City and State

ORDERED By The Zoning Commissioner of Baltimore County, this 28th day of September, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 30th day of November, 1988, at 2 o'clock P.M.

Zoning Commissioner of Baltimore County.  
(over)

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3333  
J. Robert Haines  
Zoning Commissioner

October 14, 1988

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

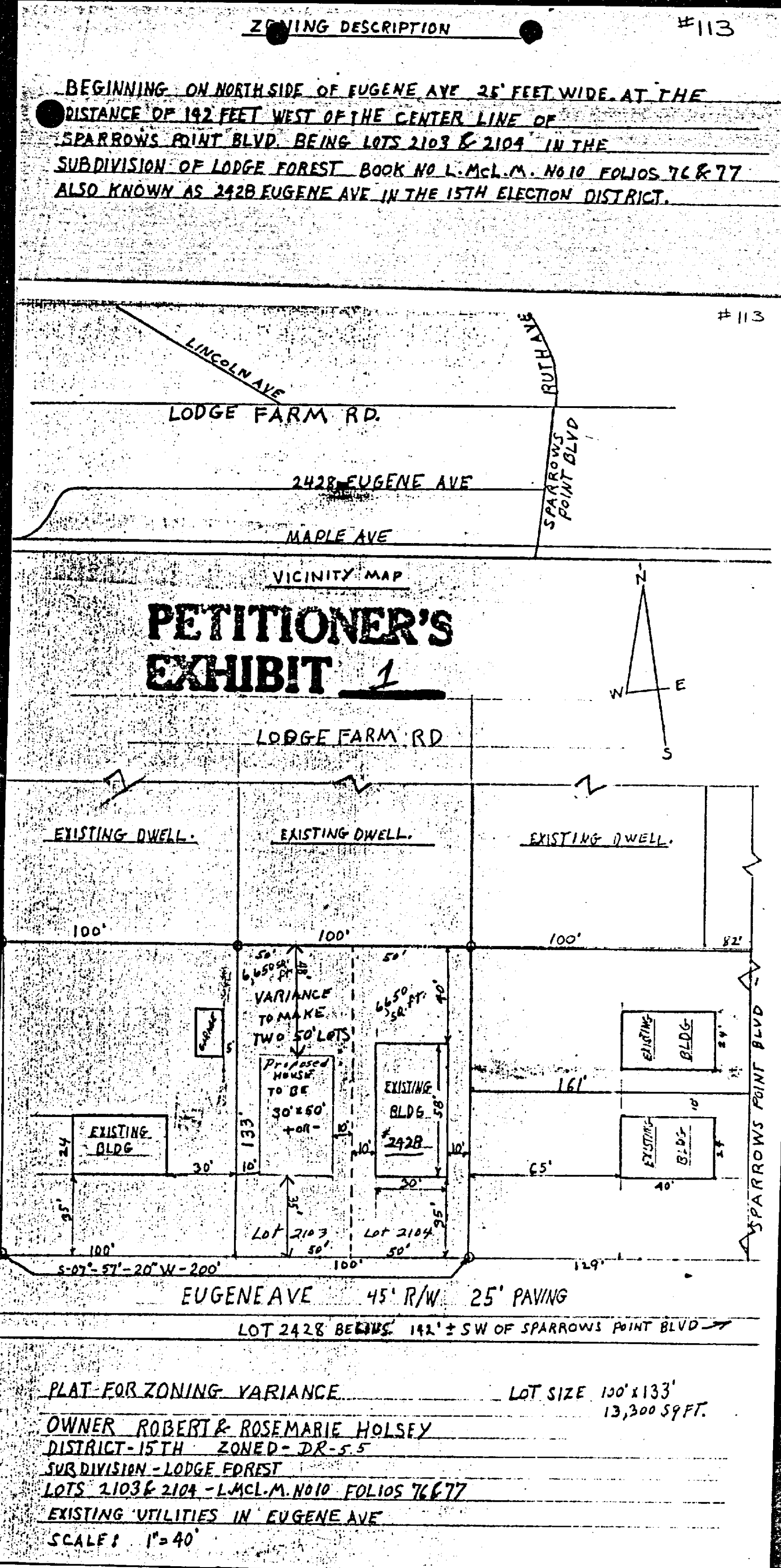
Petition for Zoning Variance  
CASE NO. 89-198-A  
NS Eugene Avenue, 123' W Sparrows Point Blvd.  
(2428 Eugene Avenue)  
15th Election District - 7th Councilmanic  
Legal Owner(s): Robert Holsey, Jr., et ux  
Contract Purchaser(s): Robert Holsey, Jr., et ux  
HEARING SCHEDULED: WEDNESDAY, NOVEMBER 30, 1988 at 2:00 p.m.

Variance to allow two building lots each with a width of 50 ft. in lieu of the required 55 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County  
cc: Robert Holsey, Jr., et ux  
Robert Holsey, Jr., et ux  
File

IF PHASE II OF THE SLOW EMERGENCY PLAN IS IN EFFECT ON THE DATE OF THE ABOVE HEARING, SUCH HEARING WILL BE POSTPONED AND TENTATIVELY RESCHEDULED FOR THURSDAY, DECEMBER 22, 1988. PLEASE TELEPHONE JACKET CLERK AT 494-3331 TO CONFIRM DATE.



PLAT FOR ZONING VARIANCE LOT SIZE 100' x 133' 13,300 S.F.  
OWNER ROBERT & ROSEMARIE HOLSEY  
DISTRICT-15TH ZONED-DK-5.5  
SUBDIVISION-LODGE FOREST  
LOTS 2103 & 2104 - L.M.C.L.M. NO. 10 FOLIOS 76 & 77  
EXISTING UTILITIES IN EUGENE AVE  
SCALE: 1"=40'

Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
County Office Building  
Courts Building, Suite 405  
Towson, Maryland 21204  
494-3554

October 28, 1988

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 105, 106, 108, 109, 110, 111, 113 and 114.

Very truly yours,  
Michael S. Flanigan  
Engineering Associate

HSP/lvw

RECEIVED  
NOV 9 1988  
ZONING OFFICE

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER  
N/S Eugene Ave., 123' W Sparrows Point Blvd. (2428 Eugene Ave.), 15th Election Dist.; 7th Councilmanic Dist. : OF BALTIMORE COUNTY  
ROBERT & ROSE MARIE HOLSEY, : Case No. 89-198-A  
Petitioners :

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman  
Phyllis Cole Friedman  
People's Counsel for Baltimore County

Peter Max Zimmerman  
Peter Max Zimmerman  
Deputy People's Counsel  
Room 304, County Office Building  
Towson, Maryland 21204  
494-2188

I HEREBY CERTIFY that on this 25th day of October, 1988, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Robert Holsey, 2428 Eugene Ave., Baltimore, MD 21219, Petitioners; and Mr. and Mrs. Robert Holsey, Jr., 8603 North Point Rd., Baltimore, MD 21219, Contract Purchasers.

Peter Max Zimmerman  
Peter Max Zimmerman

**BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE**

November 16, 1988

Mr. & Mrs. Robert Holsey, Jr.  
8603 North Point Road  
Baltimore, MD 21219

RE: Item No. 113; Case No. 89-198-A  
Petitioner: Legal Owner - Robert Holsey, et ux  
Contract Purchaser - Robert Holsey, Jr., et ux  
Petition for Zoning Variance

Dear Mr. & Mrs. Holsey:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,  
James E. Dyer  
Chairman  
Zoning Plans Advisory Committee

JED:scf

89-198-A  
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING  
County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your petition has been received and accepted for filing this 28th day of September, 1988.

Robert Holsey, et ux/LO  
Petitioner Robert Holsey, Jr., et ux/CP Received by: James E. Dyer  
Petitioner's Attorney: Chairman, Zoning Plans Advisory Committee

\*IF PHASE II OF SLOW EMERGENCY PLAN IS IN EFFECT ON THIS DATE, CASE WILL BE RESCHEDULED. CALL 494-3331 TO CONFIRM DATE.

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3333  
J. Robert Haines  
Zoning Commissioner

Mr. & Mrs. Robert Holsey, Jr.  
2428 Eugene Avenue  
Baltimore, Maryland 21219

RE: Petition for Zoning Variance  
CASE NO. 89-198-A  
NS Eugene Avenue, 123' W Sparrows Point Blvd.  
(2428 Eugene Avenue)  
15th Election District - 7th Councilmanic  
Legal Owner(s): Robert Holsey, Jr., et ux  
Contract Purchaser(s): Robert Holsey, Jr., et ux  
HEARING SCHEDULED: WEDNESDAY, NOVEMBER 30, 1988 at 2:00 p.m.

Dear Mr. & Mrs. Holsey:

Please be advised that \$25.00 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

Please note that should you fail to return the sign and post set(s), there will be an additional \$25.00 added to the above fee for each set not returned.

Very truly yours,  
J. Robert Haines  
J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County

JRH:gs  
cc: File

Baltimore County  
Fire Department  
Towson, Maryland 21204-2556  
494-4500

Paul H. Reincke  
Chief  
September 28, 1988

RE: Property Owner: Legal Owner - Robert & Rose Marie Holsey  
Contract Purchaser - Robert & Leslie Holsey  
Location: NS Eugene Avenue, 123' W. of Sparrows Point Blvd.  
2428 Eugene Avenue, Lots 2103 & 2104  
Item No.: 113  
Zoning Agenda: Meeting of 9/27/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at intervals or feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
2. A second means of vehicle access is required for the site.
3. The vehicle dead end condition shown at EXCEEDS the maximum allowed by the Fire Department.
4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
6. Site plans are approved, as drawn.
7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: [Signature] Noted and Approved: [Signature]  
Planning Group Fire Prevention Bureau  
Special Inspection Division

/s/